

IV. REMARKS/ARGUMENTS

A. Status of the Claims

Claims 9, 16, 20, and 22-24 are currently pending in the application. The pending Office objects to the specification, drawings; rejects claims 9, 16, 23 and 24; and allows claims 20 and 22. By this amendment, the specification and claims 9, 16, and 22-24 are amended. No new matter is introduced by this amendment. Applicant respectfully requests reconsideration of the specification, drawings, and claims for at least the following reasons.

B. Objections to the Specification

The Office Action objected to the specification as failing to provide proper antecedent basis for “the inner walls of the frames having slots reducing openness of the channel” and “the inner lip having a width less than half the spacing between the frames.” Office Action, page 2. In response, Applicant has amended the specification to recite this claimed subject matter. Specifically, the paragraph found on page 5 of the specification, starting on line 26, has been amended as follows:

the shorter laterally projecting lips or flanges 15 and 17 overlie the channel 18 but leave a gap 19 therebetween, to form a slotted inner wall. For example, laterally projecting lips or flanges 15 and 17 may have a width of less than half the spacing between frame members 12 and 13 when they are assembled face to face.

This amendment is fully supported by the original specification and drawings, and therefore does not constitute new matter. For instance, this subject matter was recited in the originally filed claims—original claim 4 recited “frame members have at their inner perimeters integral laterally projecting lips which, upon said members being fitted together, face each other with a space therebetween to form a slotted wall overlying at least a portion of said article retaining recess”; and original claim 11 recited “Frame members . . . having at least over a portion of their inner perimeters integral inwardly projecting lips having a width less than half the spacing between said frame members when same are assembled face to face.” Applicant respectfully submits that the specification, as amended, provides proper antecedent basis for the claimed subject matter, and requests withdrawal of this objection.

members. Each frame member comprises “a laterally extending peripheral wall,” and two side walls. The first and second frame members have “an interior facing side wall, and an exterior facing side wall,” while the third frame member has “a first side wall and a second side wall.” (For support, see the specification at page 5, lines 9-24). As recited in claim 9, the first and second frame members are “joined along at least a portion of their respective interior facing side walls so that the joined frame members form a first support frame circumscribing a first area therewithin and defining a first article retaining channel between said first and second frame members,” and second and third frame members are joined “such that the first side wall of the third frame member is facing at least a portion of the exterior facing wall of the second frame member to form a second support frame circumscribing a second area therewith and defining a second retaining channel therebetween.” Claim 9 further recites that at least one of the first and second support frames “is adapted to receive a slidable window sash.” Each of these claim amendments is fully supported by the specification, such as on page 5, lines 9-24, which describes frame members 12 and 13 in detail; page 6, lines 12-21, which describes a third frame member (reference no. 24) joined with frame member 13; and page 6, lines 23-29, which explains that frame member 13 functions as one side of a frame that houses a slidable window sash, and as one side of a frame that houses a fixed window sash. Therefore, no new matter is introduced by this amendment.

2. Claim 16

Applicant amended claim 16 to clarify the elements recited therein, consistent with the specification. Specifically, Applicant has amended claim 16 to recite a “third one piece integrally molded rectangular area circumscribing frame member” that joins with a side of one of the first and second frame members “to form therewith a second support frame circumscribing a second area therewithin.” This claim amendment is fully supported by the specification (see the support provided for claim 9, above), and therefore no new matter is introduced by the amendment.

3. Claim 22

Applicant amended claim 22 to correct typographical errors, and to identify the support frame as a “first support frame,” to distinguish it from the “second support frame” recited in claim 16, which depends from claim 22. No substantive amendments were made to claim 22.

4. Claim 23

Applicant amended claim 23 to clarify the elements recited therein, consistent with the specification. Specifically, amended claim 23 now recites first and second frame members that form a “first support frame” that circumscribes an area therewithin and defines “a first article retaining channel between said first and second frame members.” Amended claim 23 further recites a third frame member “configured for assembly with one of said first and second frame members to form an adjoining second support frame having a second window retaining channel.” Amended claim 23 finally recites that “one of said first and second support frames is adapted to receive a slidable window sash.” This claim amendment is fully supported by the specification (see the support provided for claim 9, above), and therefore no new matter is introduced by the amendment.

5. Claim 24

Applicant amended claim 24 to clarify the elements recited therein, consistent with the specification. Specifically, amended claim 24 now recites first and second frame members that have “inwardly projecting lips having a width less than half the spacing between said spaced opposite sides of said window frame, forming a slotted inner wall overlaying at least a portion of said first retaining channel.” This claim amendment is fully supported by the originally filed application, such as in original claim 4 which recited “frame members have at their inner perimeters integral laterally projecting lips which, upon said members being fitted together, face each other with a space therebetween to form a slotted wall overlying at least a portion of said article retaining recess.” Therefore no new matter is introduced by the amendment.

E. Claim Rejections

1. Claim rejections under 35 U.S.C. § 112, second paragraph

The Office Action rejects claims 9 and 16 under 35 U.S.C. § 112, second paragraph, allegedly as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Office Action, page 3. For at least the following reasons, Applicant respectfully traverses this rejection.

With respect to claim 9, the Office Action alleges that “it is not clear what the third frame extends around (i.e., the first frame, the second frame, the circumscribing area? What?” *Id.* As discussed in more detail above, Applicant amended claim 9 to further clarify the elements recited therein, consistent with the specification. Specifically, Applicant amended claim 9 to recite “A window frame unit” comprising first, second, and third one piece integrally molded area circumscribing frame members. Each frame member comprises “a laterally extending peripheral wall,” and two side walls—the first and second members having an “interior facing side wall, and an exterior facing side wall,” and the third member having a first and second side wall. As recited in claim 9, the first and second frame members are “joined along at least a portion of their respective interior facing side walls so that the joined frame members form a first support frame circumscribing a first area therewithin and defining a first article retaining channel between said first and second frame members,” and second and third frame members are joined “such that the first side wall of the third frame member is facing at least a portion of the exterior facing wall of the second frame member to form a second support frame circumscribing a second area therewith and defining a second retaining channel therebetween.” Applicant respectfully submits that as amended, claim 9 is clear with respect to the third frame member, its relation to the other frame members, and the area it circumscribes.

With respect to claim 16, the Office Action alleges that it is not clear what is intended by the claim, specifically with respect to the “third rectangular frame member,” and the “second frame.” Office Action, page 3. In response, Applicant amended claim 16 to clarify the elements recited therein, consistent with the specification. Specifically, amended claim 16 recites a “third one piece integrally molded rectangular area circumscribing frame member” that joins with a side of one of the first and second frame members “to form therewith a second support frame circumscribing a second area therewithin.” Applicant respectfully submits that as amended,

claim 16 is clear with respect to the third frame member and its relation to the other frame members for form the second frame.

In summary, Applicant submits that the amendments to claims 9 and 16 are fully responsive to the rejections set forth in the Office Action. Applicant submits that the amended claims set forth the claimed subject matter “with a reasonable degree of clarity and particularity.” *See* MPEP § 2173.02. Applicant respectfully requests withdrawal of this ground of rejection. However, if upon further review, Examiner finds that the claims are still indefinite, Applicant encourages the Examiner to suggest alternative claim language that will improve the clarity or precision of the claims. *See id.*

2. Claim rejections under 35 U.S.C. § 103(a)

The Office Action rejects claims 9, 23, and 24 under 35 U.S.C. § 103(a) allegedly as being unpatentable over U.S. Patent No. 6,272,801 to SUH (“SUH”). Office Action, pages 3-4. To establish prima facie obviousness of a claim, all limitations recited in the claim must be taught or suggested by the prior art. MPEP § 2143.03. As described in more detail immediately below, Applicant respectfully submits that claims 9, 23, and 24 are not unpatentable over SUH, because SUH fails to teach or suggest all of the elements recited in each these claims.

As amended, claim 9 recites, inter alia, “A window frame unit” comprising first, second, and third one piece integrally molded frame members, where the first and second frame members form a first support frame, and the second and third frame members form a second support frame, wherein at least one of first and second support frames is adapted to receive a slidable window sash.

Amended claim 23 recites, inter alia, first, second, and third one piece integrally molded frame members, where the first and second frame members fit against one another to form a first support frame, and the third frame member is “configured for assembly with one of said first and second frame members to form an adjoining second support frame.” Like claim 9, claim 23 further recites that one of the first and second support frames is adapted to receive a slidable window sash. Claim 24 depends from claim 23, and as such includes by reference all of the elements recited in claim 23, including those described immediately above.

SUH discloses a prefabricated window frame, having a decorative window subassembly within. SUH, Abstract. The frame has a front member (reference number 130 in Figure 2, reproduced below), a back frame member (140), and lattice panel (150) located intermediate to the front member and the back member. *Id.* at col. 3, ll. 30-32, 44-45. Glass panes (120, 110) are situated between the back member and the lattice panel, and between the lattice panel and the front member. *Id.* at col. 3, l. 56 - col. 4, l. 4. The entire assembly is screwed or otherwise fastened together to form a unitary window assembly. *Id.* at col. 2, ll. 24-26.

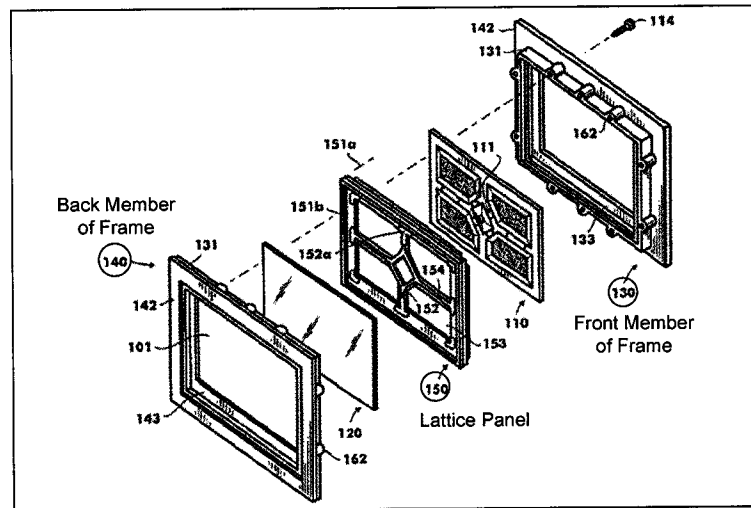


Figure 2 of SUH

However, SUH does not teach or suggest a window frame unit, having three members forming two support frames, in which one of the support frames is adapted to receive a slidable window sash, as recited in claims 9, 23, and 24. Each of the components of the window of SUH are fastened together so as to form one unit—none of the SUH window components are adapted to receive a slidable window sash, as recited in claims 9, 23, and 24. Indeed, nothing about the window unit is intended to be slidable—the SUH window panel is intended to be installed as a stationary assembly in an opening in a wall or a door. For at least this reason, Applicant respectfully submits that claims 9, 23, and 24 are not unpatentable in view of SUH.

F. Allowable Subject Matter

Applicant thanks the Examiner for allowance of claims 20 and 22, and an indication of the allowable subject matter of claim 16. As indicated above, Applicant amended claim to

resolve the 35 U.S.C. § 112, second paragraph rejection. Applicant therefore submits that claim 16 is now in condition for allowance.

V. CONCLUSION

The Applicant respectfully submits that the foregoing amendments place the application in condition for allowance. As such, Applicant respectfully requests prompt indication of allowance of the pending claims. Should any outstanding issues remain, the Examiner is invited to telephone the undersigned at the number listed below.

No fees are believed to be necessary in connection with the filing of this communication. However, should any fees be deemed necessary by the USPTO, please charge such fees to the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,
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Dated: July 23, 2007

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